

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

---

UNITED STATES OF AMERICA,

Plaintiff,

v.

**ORDER**

Criminal File No. 09-117 (MJD/AJB)

(1) ION DATCU,

Defendant.

---

Lisa D. Kirkpatrick, Assistant United States Attorney, Counsel for Plaintiff.

Gary R. Wolf, Wolf Law Office, Counsel for Defendant.

---

The above-entitled matter comes before the Court upon the Report and Recommendation of United States Magistrate Judge Arthur J. Boylan dated August 4, 2009. [Docket No. 81] Defendant Ion Datcu filed objections to the Report and Recommendation.

Pursuant to statute, the Court has conducted a de novo review of the record. 28 U.S.C. § 636(b)(1); Local Rule 72.2(b). Based upon that review, the Court **ADOPTS** the Report and Recommendation of United States Magistrate

Judge Arthur J. Boylan dated August 4, 2009, with the exception that the first sentence of the second paragraph on page 8 of the Report and Recommendation is replaced with the following sentence: “At any investigative stop – whether there is an arrest, an inventory search, neither, or both – officers may take steps reasonably necessary to protect their personal safety.” United States v. Stachowiak, 521 F.3d 852, 855 (8th Cir. 2008) (quoting United States v. Shranklen, 315 F.3d 959, 961 (8th Cir. 2003)). .

Accordingly, based upon the files, records, and proceedings herein, **IT IS HEREBY ORDERED** that:

1. The Court **ADOPTS** the Magistrate Judge’s Report and Recommendation dated August 4, 2009 [Docket No. 81].
2. Defendant Ion Datcu’s Motion to Suppress Evidence Obtained as Result of Search and Seizure [Docket No. 60] is **DENIED**.

Dated: August 27, 2009

s/ Michael J. Davis

Michael J. Davis

Chief Judge

United States District Court